

# EXHIBIT A

<p style="text-align: center;">1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT</p> <p style="text-align: center;">NORTHERN DISTRICT OF CALIFORNIA</p> <p style="text-align: center;">SAN FRANCISCO DIVISION</p> <p style="text-align: center;">) 23-MD-03084 CRB</p> <p style="text-align: center;">) SAN FRANCISCO, CALIFORNIA</p> <p style="text-align: center;">) AUGUST 12, 2025</p> <p style="text-align: center;">) PAGES 1 - 17</p> <p style="text-align: center;">TRANSCRIPT OF REMOTE PROCEEDINGS BEFORE THE HONORABLE LISA J. CISNEROS UNITED STATES MAGISTRATE JUDGE</p> <p>A P P E A R A N C E S:</p> <p>FOR THE PLAINTIFFS: JOHNSON LAW GROUP BY: BRET D. STANLEY 2925 RICHMOND AVENUE, SUITE 1700 HOUSTON, TEXAS 77098</p> <p>CHAFFIN LUHANA BY: STEVEN COHN 615 IRON CITY DRIVE PITTSBURGH, PENNSYLVANIA 15205</p> <p>FOR THE DEFENDANTS: SHOOK, HARDY &amp; BACON BY: VERONICA GROMADA JPMORGAN CHASE TOWER 600 TRAVIS STREET, SUITE 3400 HOUSTON, TEXAS 77002</p> <p>KIRKLAND &amp; ELLIS BY: CHRISTOPHER COX 601 LEXINGTON AVENUE NEW YORK, NEW YORK 10022</p> <p>OFFICIAL COURT REPORTER: IRENE L. RODRIGUEZ, CSR, RMR, CRR CERTIFICATE NUMBER 8074</p> <p>PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY TRANSCRIPT PRODUCED WITH COMPUTER</p> <p style="text-align: center;">UNITED STATES COURT REPORTERS</p>	<p style="text-align: center;">3</p> <p>11:36AM 1 AS FAR AS WHAT THE REMEDY IS IF I STICK WITH THAT POSITION.</p> <p>11:36AM 2 MR. STANLEY: OKAY, JUDGE. BRET STANLEY ON BEHALF</p> <p>11:37AM 3 OF THE PLAINTIFFS.</p> <p>11:37AM 4 I APPRECIATE THE TIME TO TALK WITH YOU ABOUT THIS ISSUE.</p> <p>11:37AM 5 IT'S SUPER IMPORTANT, AND IT'S SOMETHING THAT IS GOING TO BE AN</p> <p>11:37AM 6 ISSUE COMING UP IN MULTIPLE DIFFERENT CASES AS WE GO FORWARD OR</p> <p>11:37AM 7 COULD BE. SO WE LOOK FORWARD TO HEARING FROM YOU ON THIS.</p> <p>11:37AM 8 I'D LIKE TO TAKE A STEP BACK AND LOOK AT HOW WE GOT HERE</p> <p>11:37AM 9 AND DISCUSS WITH YOU SOME OF THE RULINGS THAT YOU'VE MADE AND</p> <p>11:37AM 10 HOW WE GOT TO THIS POINT.</p> <p>11:37AM 11 AND SO ON MAY 17TH, AS YOU KNOW, WE SENT, BASED ON THE</p> <p>11:37AM 12 PAPERS, WE SENT A REQUEST TO UBER FOR THEM TO PRODUCE KNOWLEDGE</p> <p>11:37AM 13 BASED POLICIES AND ARTICLES IN THIS MDL, AND THAT WAS FROM</p> <p>11:37AM 14 INFORMATION THAT I HAD GAINED ALONG THE WAY WHERE I IDENTIFIED</p> <p>11:37AM 15 THE POLICIES REQUESTED TO BE PRODUCED.</p> <p>11:37AM 16 ALONG THAT TIME BEFORE, UBER HAD NOT IDENTIFIED KNOWLEDGE</p> <p>11:37AM 17 BASE AS A REPOSITORY OF INFORMATION AND HAD NOT PRODUCED</p> <p>11:37AM 18 POLICIES BASED ON GENERAL REQUESTS INSIDE OF THE MDL. AND SO</p> <p>11:38AM 19 WE HAD OUR FIRST HEARING ON THAT ON JULY 11TH, AND IN THAT</p> <p>11:38AM 20 HEARING --</p> <p>11:38AM 21 THE COURT: SO THE HISTORY, MR. STANLEY, IT TOOK US</p> <p>11:38AM 22 A WHILE TO WORK THROUGH THOSE ISSUES AROUND THE PRODUCTION OF</p> <p>11:38AM 23 THE POLICIES.</p> <p>11:38AM 24 BUT THE WAY I AM LOOKING AT THIS IS, IS THE INFORMATION</p> <p>11:38AM 25 THAT IS IN THE SPREADSHEETS, WHICH SEEMS TO HAVE BEEN</p> <p style="text-align: center;">UNITED STATES COURT REPORTERS</p>
<p style="text-align: center;">2</p> <p>1 SAN FRANCISCO, CALIFORNIA AUGUST 12, 2025</p> <p>2 P R O C E E D I N G S</p> <p>11:35AM 3 (COURT CONVENED AT 11:35 A.M.)</p> <p>11:35AM 4 THE CLERK: WE ARE CALLING 23-MD-03084, IN RE UBER</p> <p>11:35AM 5 TECHNOLOGIES, INC.</p> <p>11:35AM 6 COUNSEL, PLEASE STATE YOUR APPEARANCES FOR THE RECORD</p> <p>11:35AM 7 BEGINNING WITH THE PLAINTIFF.</p> <p>11:35AM 8 MR. STANLEY: BRET STANLEY ON BEHALF OF THE</p> <p>11:35AM 9 PLAINTIFF STEERING COMMITTEE AND JOHNSON LAW GROUP.</p> <p>11:35AM 10 MR. COHN: STEVEN COHN ON BEHALF OF PLAINTIFFS.</p> <p>11:35AM 11 MR. COX: ON BEHALF OF THE UBER DEFENDANTS,</p> <p>11:35AM 12 CHRISTOPHER COX, AND I'M WITH MY COLLEAGUE VERONICA GROMADA</p> <p>11:35AM 13 WITH SHOOK, HARDY BACON.</p> <p>11:35AM 14 THE COURT: GOOD MORNING. GREAT.</p> <p>11:35AM 15 SO WE HAVE TODAY A HEARING ON UBER'S MOTION FOR A</p> <p>11:35AM 16 PROTECTIVE ORDER, AND I'VE HAD AN OPPORTUNITY TO REVIEW THE</p> <p>11:36AM 17 BRIEFING AS WELL AS THE DECLARATIONS.</p> <p>11:36AM 18 SO THIS TO ME JUST -- I'LL GIVE THE PARTIES AN OPPORTUNITY</p> <p>11:36AM 19 TO RESPOND TO MY TENTATIVE POSITION, WHICH IS THAT THE</p> <p>11:36AM 20 INFORMATION THAT IS CONTAINED IN THE OCTOBER SPREADSHEET IS</p> <p>11:36AM 21 CONFIDENTIAL INFORMATION, AND THAT'S BASED ON MY REVIEW OF</p> <p>11:36AM 22 MS. GROMADA'S DECLARATION AND THE EXCERPTS THAT SHE PROVIDED.</p> <p>11:36AM 23 IT DOESN'T STRIKE ME AS GENERAL KNOWLEDGE.</p> <p>11:36AM 24 BUT, MR. STANLEY, YOU CAN RESPOND TO THAT FURTHER.</p> <p>11:36AM 25 SO LET'S START AT THAT POINT, AND THEN WE CAN GO FORWARD</p> <p style="text-align: center;">UNITED STATES COURT REPORTERS</p>	<p style="text-align: center;">4</p> <p>11:38AM 1 DISSEMINATED TO OTHERS OUTSIDE OF THIS LITIGATION, DOES IT</p> <p>11:38AM 2 REFLECT A REPRODUCTION OF INFORMATION THAT WAS CONTAINED IN</p> <p>11:38AM 3 UBER'S PRODUCTION AND DESIGNATED AS CONFIDENTIAL AND NOT</p> <p>11:38AM 4 DISPUTED, THE DESIGNATION WASN'T EVER DISPUTED BY THE</p> <p>11:38AM 5 PLAINTIFFS?</p> <p>11:38AM 6 SO I THINK THAT -- I UNDERSTAND, LIKE, THE EXERCISE -- TO</p> <p>11:38AM 7 THE EXTENT THAT YOU'RE GIVING ME THE LARGER HISTORY SO THAT I</p> <p>11:39AM 8 UNDERSTAND WHY YOU ENDEAVORED TO PUT TOGETHER THE SPREADSHEETS,</p> <p>11:39AM 9 I THINK THAT'S UNDERSTANDABLE, BUT THE PART OF THE MATTER THAT</p> <p>11:39AM 10 I THINK I NEED TO FOCUS ON THIS WITH RESPECT TO THIS MOTION IS</p> <p>11:39AM 11 SIMPLY WAS THERE A DISCLOSURE OF INFORMATION THAT WAS</p> <p>11:39AM 12 DESIGNATED CONFIDENTIAL AND WHERE THE CONFIDENTIALITY</p> <p>11:39AM 13 DESIGNATION HAD NEVER BEEN DISPUTED.</p> <p>11:39AM 14 MR. STANLEY: UNDERSTOOD.</p> <p>11:39AM 15 THE COURT: THIS LOOKS LIKE NOT GENERALIZED</p> <p>11:39AM 16 INFORMATION THAT WAS IN THE SPREADSHEET, BUT IT LOOKS LIKE IT</p> <p>11:39AM 17 WAS LIKE BY HAND SORT OF TRANSCRIBED OR -- FROM THE FACE OF</p> <p>11:39AM 18 THESE DOCUMENTS.</p> <p>11:39AM 19 SO IN THAT RESPECT, IT DOESN'T LOOK LIKE GENERALIZED</p> <p>11:39AM 20 INFORMATION TO ME.</p> <p>11:39AM 21 MR. STANLEY: AND, JUDGE, I APPRECIATE THAT. AND I</p> <p>11:39AM 22 ENDEAVORED ALL I COULD TO MAINTAIN AND TO FOLLOW THE PROTECTIVE</p> <p>11:39AM 23 ORDER IN THE WAY THAT IT IS WRITTEN AND IN A WAY THAT IS</p> <p>11:39AM 24 REASONABLE FOR THE PRACTICE OF LAW. SO THAT'S WHAT I INTENDED</p> <p>11:40AM 25 TO DO.</p> <p style="text-align: center;">UNITED STATES COURT REPORTERS</p>

11:40AM **1** AND IN THIS VERY FIRST HEARING, YOU TALKED ABOUT HOW  
 11:40AM **2** IDENTIFYING THE POLICIES IS HELPFUL. AND WHEN I DID THAT THE  
 11:40AM **3** FIRST TIME BASED UPON THE INFORMATION THAT I HAD, IT WAS NOT  
 11:40AM **4** FOUND TO BE IN VIOLATION OF ANY PROTECTIVE ORDER.  
 11:40AM **5** THE PROTECTIVE ORDER THAT WE HAD IN THIS CASE WAS ALREADY,  
 11:40AM **6** WAS ALREADY ORDERED AND IN THE CASE AS EARLY AS DECEMBER I  
 11:40AM **7** THINK OF 2024. FIVE MONTHS LATER I PROVIDE THE IDENTIFICATION  
 11:40AM **8** OF THESE MATERIALS FROM PRIOR INFORMATION, AND I IDENTIFIED THE  
 11:40AM **9** CASE FROM WHICH THAT CAME FROM, AND IT CAME IN UNDER NO  
 11:40AM **10** OBJECTION.  
 11:40AM **11** AND THEN ALONG THE WAY WE CONTINUED TO IDENTIFY THESE,  
 11:40AM **12** THESE KNOWLEDGE BASED ARTICLES. I DID NOT SHARE ANY  
 11:40AM **13** INFORMATION FROM ANY OF THE KNOWLEDGE BASED ARTICLES WITH  
 11:40AM **14** ANYONE. I JUST IDENTIFIED THEM FOR PRODUCTION.  
 11:40AM **15** AND AS YOU SEE, PRACTICALLY THE WAY THAT IT HAS WORKED IS  
 11:40AM **16** UBER HAS WITHHELD THIS INFORMATION FROM OTHER LITIGATIONS AND  
 11:40AM **17** WITHOUT BEING ABLE TO IDENTIFY SOMETHING TO THEM TO PRODUCE,  
 11:41AM **18** THEY DON'T PRODUCE IT. THEY DIDN'T PRODUCE IT IN THIS MDL,  
 11:41AM **19** THEY DON'T PRODUCE IT IN OTHER LITIGATIONS OUTSIDE OF THE MDL.  
 11:41AM **20** SO BY SIMPLY IDENTIFYING IT, I'M NOT GIVING OR DIVULGING ANY OF  
 11:41AM **21** THE CONFIDENTIAL INFORMATION FROM THE DOCUMENT ITSELF. I'M  
 11:41AM **22** IDENTIFYING THE RECORD ITSELF IN HOPES THAT IT CAN AIM TO FIX  
 11:41AM **23** OR TO ASSIST IN THE PRODUCTION OF THESE DOCUMENTS.  
 11:41AM **24** THE COURT: AS THE DISCOVERY JUDGE IN THIS MDL, I'M  
 11:41AM **25** NOT IN A POSITION TO SORT OF EXERCISE -- YOU KNOW, ISSUE ANY  
 UNITED STATES COURT REPORTERS

11:41AM **1** ORDERS OR MANAGE DISCOVERY IN ANY OTHER CASE OR TO TAKE STEPS  
 11:41AM **2** TO ENSURE THAT DISCOVERY THAT HAPPENS IN A DIFFERENT CASE WITH  
 11:41AM **3** UBER IS DONE AND IN ACCORDANCE WITH LAW. SO IT'S ALL -- IT IS  
 11:41AM **4** KIND OF IRRELEVANT TO THE QUESTION THAT I HAVE.  
 11:42AM **5** MR. STANLEY: OF COURSE.  
 11:42AM **6** THE COURT: MY UNDERSTANDING OF UBER'S MOTION IS  
 11:42AM **7** THAT THEY DON'T -- THEY'RE NOT ARGUING THAT IT'S A VIOLATION OF  
 11:42AM **8** THE PROTECTIVE ORDER FOR YOU TO HAVE CREATED A SPREADSHEET TO  
 11:42AM **9** ORGANIZE THE INFORMATION THAT YOU WERE REVIEWING AND FROM THEIR  
 11:42AM **10** PRODUCTIONS AND TO USE THAT WITHIN THE CONFINES OF THIS MDL.  
 11:42AM **11** WHAT THEY'RE OBJECTING TO IS THAT IT APPEARS THAT THE  
 11:42AM **12** SPREADSHEETS SOMEHOW WERE, YOU KNOW, DISSEMINATED TO OTHER,  
 11:42AM **13** OTHER ATTORNEYS IN OTHER CASES AND THAT HAD THE EFFECT OF  
 11:42AM **14** DISCLOSING THEIR CONFIDENTIAL MATERIAL.  
 11:42AM **15** AND THE NAME -- TO THE EXTENT THAT YOU'RE SAYING THAT  
 11:42AM **16** THERE WASN'T A VIOLATION BECAUSE ALL IT HAS IS THE NAMES, HERE  
 11:42AM **17** THE INFORMATION IS NOT JUST THE NAMES. IT'S SORT OF ALSO THE  
 11:43AM **18** SOURCE OF WHERE IT CAME FROM AND **IT IS A REPRODUCTION OF**  
 11:43AM **19 INFORMATION THAT IS ON THE FACE OF THESE DOCUMENTS THAT WERE**  
 11:43AM **20 DESIGNATED AS CONFIDENTIAL.**  
 11:43AM **21 AND ESI HAS A PROCESS FOR DISPUTING CONFIDENTIALITY**  
 11:43AM **22 DESIGNATIONS WHERE THEY MIGHT BE OVERREACH ON THE PRODUCING**  
 11:43AM **23 PARTY BY SAYING WHAT IS CONFIDENTIAL, BUT WE NEVER HAD THAT**  
 11:43AM **24 ISSUE BROUGHT TO MY ATTENTION.** NONE OF THOSE DISPUTES WERE IN  
 11:43AM **25** FRONT OF ME. SO, LIKE, ON THE RECORD OF THIS, MAYBE YOU WOULD  
 UNITED STATES COURT REPORTERS

11:43AM **1** HAVE HAD A CASE TO ARGUE THAT NAMES ALONE ARE NOT CONFIDENTIAL.  
 11:43AM **2** I DON'T -- I WOULDN'T PREJUDGE, YOU KNOW, WHAT MY RULING WOULD  
 11:43AM **3** BE IN THAT KIND OF A DISPUTE, BUT AT THIS POINT THE  
 11:43AM **4** DESIGNATIONS OF THOSE DOCUMENTS WAS NOT CONTESTED.  
 11:44AM **5** SO LET ME LET --  
 11:44AM **6** MR. STANLEY: MAY I ASK -- MAY I MAKE ONE FINAL  
 11:44AM **7** POINT BEFORE?  
 11:44AM **8** AND SO THE WAY THAT THE MOTION IS WRITTEN FROM THE UBER  
 11:44AM **9** DEFENDANTS APPEARS TO BE THAT EVEN USE OF THE WORD KNOWLEDGE  
 11:44AM **10** BASE, WHICH IS SOMETHING IN MY GENERAL KNOWLEDGE, OR EVEN USE  
 11:44AM **11** OF THE WORD KNOWLEDGE BASE HOME PAGE, ALL OF THAT, WHICH IS  
 11:44AM **12** INFORMATION THAT I'VE HAD BEFORE AND INFORMATION THAT WAS IN  
 11:44AM **13** THIS LITIGATION, IT'S INFORMATION THAT IS RELEVANT AND  
 11:44AM **14** NECESSARY WOULD ALSO BE IN VIOLATION OF THE PROTECTIVE ORDER.  
 11:44AM **15** AND SO THEY ARE STRANDING AND STRAINING THIS PROTECTIVE  
 11:44AM **16** ORDER TO SUCH AN EXTENT TO PULL ALL, ALL WORDS USED IN ANY OF  
 11:44AM **17** UBER'S PRODUCTION UNDER THE AMBIT OF THE ORDER.  
 11:44AM **18** SO WHEN WE LOOK AT THE LANGUAGE OF THE ORDER, IT  
 11:44AM **19** ADMONISHES SO THAT THE ORDER IS NOT USED AS A SOURCE SO THAT IT  
 11:44AM **20** CAN PULL ALL OF THIS INFORMATION UNDER THE AMBIT OF THE ORDER  
 11:45AM **21** IN THE WAY THAT IT'S NOT DISCLOSING INFORMATION.  
 11:45AM **22** I WOULD ALSO SAY THAT THE CASE LAW THAT THEY CITED IN EACH  
 11:45AM **23** OF THEIR CASES, IT'S ALL BASED ON WHETHER OR NOT SOMEONE USED  
 11:45AM **24** INFORMATION TO GAIN ADDITIONAL INFORMATION TO FILE A NEW  
 11:45AM **25** LAWSUIT. THAT'S WHAT EVERY ONE OF THEIR CASES THAT THEY CITE  
 UNITED STATES COURT REPORTERS

11:45AM **1** TO, WHETHER IT'S IN A PATENT CASE OR SOME SORT OF AN  
 11:45AM **2** INFRINGEMENT CASE, THEY LEARNED OF ADDITIONAL INFORMATION, ALL  
 11:45AM **3** OF THESE LAWYERS LEARNED OF ADDITIONAL INFORMATION FROM A PRIOR  
 11:45AM **4** LITIGATION AND WENT AND SOUGHT NEW CLAIMS.  
 11:45AM **5** IT WOULD BE SIMILAR TO IF I, AFTER TAKING THE DEPOSITION  
 11:45AM **6** OF JOE SULLIVAN, WHO WAS THE CHIEF SECURITY OFFICER, UNDERSTOOD  
 11:45AM **7** THAT THERE WAS A DATA BREACH THAT UBER WAS INVOLVED IN SEVERAL  
 11:45AM **8** YEARS AGO, AND THEN WENT AND SOUGHT DATABASE BREACH CASES  
 11:45AM **9** BECAUSE I GOT THAT INFORMATION. AND THAT'S NOT, THAT'S NOT  
 11:45AM **10** WHAT HAS HAPPENED.  
 11:45AM **11** THESE CASES, NONE OF THE COMPLAINTS THAT ARE IN THESE  
 11:45AM **12** CASES WERE FILED IN A WAY THAT USE ANY INFORMATION THAT WAS  
 11:46AM **13** PROTECTED, AND SO THE -- ONE OF THE CASES THAT I DO THINK THAT  
 11:46AM **14** UBER DISPUTED THAT IS NOT ON POINT IS THE DUPRE CASE WHERE THE  
 11:46AM **15** COURT FOUND THAT BY STRETCHING THE TERM "USE" IT WAS PREVENTING  
 11:46AM **16** A LARGE PRACTICING LAW, AND THAT WAS AGAINST THE ETHICAL RULES  
 11:46AM **17** THAT ARE ALSO INVOLVED AND THEY'RE ALSO AT HAND IN CALIFORNIA.  
 11:46AM **18** IT'S RULE 5.6(B), I BELIEVE, OF THE ETHICAL RULES IN CALIFORNIA  
 11:46AM **19** AS WELL.  
 11:46AM **20** SO THAT CASE IS ON POINT, TOO, OF WHAT I'M ASKING TO DO.  
 11:46AM **21** THE COURT: TO THE EXTENT THAT YOU'RE ARGUING, OKAY,  
 11:46AM **22** WELL, THIS WASN'T USED TO FILE, THIS PARTICULAR INFORMATION  
 11:46AM **23** WASN'T USED TO FILE NEW CASES OR SO FORTH, IT DOESN'T STRIKE ME  
 11:46AM **24** AS BEING RELEVANT TO THE DECISION I HAVE TO MAKE ON THIS  
 11:46AM **25** MOTION. IT'S JUST WAS THERE INFORMATION THAT WAS DESIGNATED  
 UNITED STATES COURT REPORTERS

11:47AM **1** CONFIDENTIAL AND WAS IT DISCLOSED? I DON'T ANALYZE WHAT THAT

11:47AM **2** WAS -- WHETHER OR NOT, YOU KNOW, HOW THAT INFORMATION WAS USED

11:47AM **3** AT A LATER POINT.

11:47AM **4** MAYBE THAT WOULD BEAR ON SOME ISSUE LIKE A REMEDY OR

11:47AM **5** SOMETHING LIKE THAT, BUT JUST TO FIGURE OUT WHETHER OR NOT

11:47AM **6** THERE WAS A VIOLATION OF THE PROTECTIVE ORDER, I DON'T -- IT

11:47AM **7** DOESN'T SEEM LIKE MOTIVATIONS OR THE SUBSEQUENT USE OR MANNER

11:47AM **8** OF USE IS RELEVANT.

11:47AM **9** SO IT'S -- WHEN YOU LOOK AT MS. GROMADA'S DECLARATION,

11:47AM **10** IT'S LAID OUT IN A VERY CLEAR, STRAIGHTFORWARD WAY TO SHOW WHAT

11:47AM **11** WAS IN THE DESIGNATED -- IN A PARTICULAR EXEMPLAR DOCUMENT THAT

11:47AM **12** HAD BEEN DESIGNATED CONFIDENTIAL. I MEAN, YOU LOOK AT

11:47AM **13** PARAGRAPH 15, IT LAYS THAT INFORMATION OUT, AND THEN IT HAS AN

11:48AM **14** EXCERPT FROM YOUR -- AN EXCERPT FROM YOUR SPREADSHEET, AND IT'S

11:48AM **15** JUST, IT REALLY IS CLEAR TO ME THAT IT'S EFFECTIVELY A

11:48AM **16** DISCLOSURE OF THE FULL CONTENT OF THE PAGE.

11:48AM **17** SO I DON'T -- MAYBE YOU'VE GOT A DIFFERENT VIEW OF THAT,

11:48AM **18** BUT --

11:48AM **19** MR. STANLEY: AND I DO, JUDGE. IT APPEARS THAT IT

11:48AM **20** IS MAKING -- SO IT'S AS IF THAT I SHOWED THE ACTUAL DOCUMENTS.

11:48AM **21** IT'S AS IF THAT I SHOWED THE HOME PAGE DOCUMENTS. THAT'S THE

11:48AM **22** WAY THAT HER PLEADINGS READ TO ME IS THAT THERE'S THIS VIRTUAL

11:48AM **23** OR INTERNAL ELECTRONIC FILING CABINET THAT I'M SHOWING TO

11:48AM **24** PEOPLE, AND I'M JUST IDENTIFYING THE DOCUMENT.

11:48AM **25** **THE COURT: BUT IF YOU TYPE IT INTO YOUR OWN LITTLE**

UNITED STATES COURT REPORTERS

11:48AM **1** **SPREADSHEET AND THE MATERIAL IS IDENTICAL, IT'S KIND OF LIKE**

11:48AM **2** **THIS -- TO ME IT'S THE SAME THING, EVEN IF YOU DIDN'T PRINT OUT**

11:49AM **3** **A COPY OF THAT PAGE FROM THE PRODUCTION, IT STILL ENDS UP**

11:49AM **4** **DISCLOSING THE MATERIAL.**

11:49AM **5** AND SO I DON'T -- IT'S -- I THINK -- I JUST FEEL LIKE THIS

11:49AM **6** IS A POINT WHERE THE RECORD IS SO CLEAR THAT -- I MEAN, YOU

11:49AM **7** MIGHT HAVE ARGUMENTS AS TO WHAT THE HARM ACTUALLY IS, BUT I

11:49AM **8** THINK IT'S REALLY DIFFICULT FOR ME TO GET AROUND THAT.

11:49AM **9** MR. STANLEY: WELL, I GUESS THE LAST THING I'LL SAY

11:49AM **10** ON THIS BECAUSE I'M HEARING YOU, JUDGE, I'M HEARING YOU, BUT

11:49AM **11** THE PROTECTIVE ORDER MUST COMPLY WITH THE COMMON SENSE READING

11:49AM **12** AND MUST CONNECT ITS PURPOSE WITH THE PROHIBITIONS. **AND IS THE**

11:49AM **13** **PURPOSE OF THE PROTECTIVE ORDER TO PREVENT AN ATTORNEY WITH**

11:49AM **14** **EXTENSIVE INFORMATION AND KNOWLEDGE FROM PURSUING ANY**

11:49AM **15** **LITIGATION AGAINST UBER IN THE FUTURE?**

11:50AM **16** **AND THAT'S, THAT'S PRETTY MUCH WHAT IS GOING TO BE DONE**

11:50AM **17** **WITH THIS ORDER IS IT'S GOING TO PREVENT ME FROM ASKING FOR**

11:50AM **18** **DOCUMENTS IN ANY WAY OTHER THAN SOME VERY GENERALIZED REQUEST**

11:50AM **19** **THAT WE KNOW BOTH INSIDE THE MDL AND OUTSIDE OF THE MDL UBER**

11:50AM **20** **WILL NOT RESPOND TO WITH A SUBSTANTIVE RESPONSE.**

11:50AM **21** **AND SO WE DO NEED TO GO FORWARD THEN. AND THEN HOW ARE WE**

11:50AM **22** **TO PRACTICE LAW AFTER THIS MDL OR OUTSIDE OF THIS MDL IF WE**

11:50AM **23** **CANNOT REQUEST DOCUMENTS IN A WAY THAT WILL RESULT IN THEM**

11:50AM **24** **BEING PRODUCED? BECAUSE IT TOOK US A YEAR INSIDE OF THIS MDL,**

11:50AM **25** **MONTH AFTER MONTH AFTER MONTH AFTER MONTH, AT LEAST SIX TIMES**

UNITED STATES COURT REPORTERS

11:50AM **1** FOR US TO GET THESE DOCUMENTS PRODUCED, AND THAT WAS A GREAT

11:50AM **2** BENEFIT TO HAVE YOUR TIME AND YOUR ABILITY TO BE WITH US AND TO

11:50AM **3** SEE THIS DOCUMENT PRODUCTION. AND WE DON'T GET THAT BENEFIT IN

11:51AM **4** INDIVIDUAL STATE COURT CASES WHERE WE GET TO COME UP EVERY

11:51AM **5** MONTH AND ARGUE. THAT'S SOMETHING THAT IS PARTICULAR TO MDL'S

11:51AM **6** AND THE DISCOVERY PROCESS HERE.

11:51AM **7** **SO THIS WILL DEFINITELY PREVENT THE PRACTICE OF LAW AND**

11:51AM **8** **MAKE IT ALMOST IMPOSSIBLE TO GET DOCUMENTS IN A TIMEFRAME WHERE**

11:51AM **9** **WE CAN GET THESE CASES, GET THE DISCOVERY FROM THE CASES, AND**

11:51AM **10** **LITIGATE THEM IN A WAY THAT IS APPROPRIATE FOR OUR CLIENTS.**

11:51AM **11** THE COURT: I GUESS A COUPLE OF THOUGHTS. I DON'T

11:51AM **12** THINK THAT THE PROTECTIVE ORDER OR MY RULING ON THE PENDING

11:51AM **13** MOTION WILL PRECLUDE ATTORNEYS FROM PRACTICING LAW OR FILING

11:52AM **14** FUTURE LAWSUITS OR LITIGATING AGAINST UBER IN GENERAL.

11:52AM **15** I THINK THAT IT WOULD -- I HEAR WHAT YOU'RE SAYING,

11:52AM **16** MR. STANLEY, IN EFFECT IT WOULD -- GIVEN THE DIRECTION THAT I'M

11:52AM **17** INCLINED TO GO, IT WOULD DEPRIVE PLAINTIFFS' COUNSEL OF A

11:52AM **18** CERTAIN ADVANTAGE IN DISCOVERY IN OTHER CASES, BUT THE FACT OF

11:52AM **19** THE MATTER IS THAT THERE WAS A PROTECTIVE ORDER THAT WAS

11:52AM **20** STIPULATED TO. WE'VE GOT ESI PROTOCOLS. WE HAVE ALL OF THE

11:52AM **21** PROCEDURES THAT WERE ASSOCIATED WITH THE PROTECTIVE ORDER,

11:52AM **22** INCLUDING AN OPPORTUNITY, A PROCESS BY WHICH TO CHALLENGE THE

11:52AM **23** DESIGNATION OF A DOCUMENT AS CONFIDENTIAL.

11:52AM **24** AND SO -- AND THERE'S WAYS TO LITIGATE THAT ISSUE TO SAY

11:53AM **25** THAT A DESIGNATING PARTY IS BEING OVERBROAD AND DESIGNATED

UNITED STATES COURT REPORTERS

11:53AM **1** THINGS THAT ARE CONFIDENTIAL THAT WOULDN'T IT REVEAL TO THE

11:53AM **2** PUBLIC HARM, A COMPETITIVE ADVANTAGE FOR THE COMPANY IN THE

11:53AM **3** MARKET?

11:53AM **4** BUT THAT WAS NEVER BROUGHT TO THE FLOOR, AND THAT IS

11:53AM **5** SOMETHING THAT EXISTS IN THE PROCESSES THAT ARE PART OF THIS

11:53AM **6** MDL AND COULD BE NEGOTIATED.

11:53AM **7** SO ANYWAY, I JUST THINK THAT THAT'S ONE WAY TO ADDRESS THE

11:53AM **8** CONCERNS THAT I THINK YOU'RE VOICING, WHICH IS THAT THE

11:53AM **9** POSSIBILITY THAT A PROTECTIVE ORDER IS MISUSED OR USED IN A WAY

11:53AM **10** THAT IS NOT INTENDED FOR THE PRINCIPLES THAT UNDERLIE

11:53AM **11** PROTECTIVE ORDERS BEING ADOPTED IN LITIGATION.

11:54AM **12** AND I THINK THE OTHER, YOU KNOW, POSSIBILITY IS SIMPLY

11:54AM **13** THAT ON THE FRONT END YOU TELL UBER THAT YOU WOULD LIKE

11:54AM **14** PERMISSION TO MAKE A DISCLOSURE, AND THEY CAN OBJECT OR NOT

11:54AM **15** OBJECT, AND MAYBE THERE'S SOME INTEREST ON THE PART OF UBER TO

11:54AM **16** NOT OBJECTING TO THE EXTENT IT SPEEDS UP AND MAKES MORE

11:54AM **17** EFFICIENT DISCOVERY PROCESS OVERALL AND SO YOU DON'T END UP

11:54AM **18** USING LOTS OF ATTORNEY TIME TO FIGURE OUT WHAT IS WHAT AND WHAT

11:54AM **19** SHOULD BE -- WHAT THE RELEVANT POLICIES ARE AND SO FORTH.

11:54AM **20** BUT IT WOULD BE SOMETHING THAT YOU GO TO UBER AT THE FRONT

11:54AM **21** END AND ASK ABOUT PERMISSION TO DISCLOSE.

11:54AM **22** SO I THINK THERE'S WAYS TO DEAL WITH THESE CONCERNS THAT

11:54AM **23** YOU'RE RAISING, AND I HAVE A VERY LIMITED QUESTION THAT'S IN

11:54AM **24** FRONT OF ME WITH THIS PROTECTIVE ORDER.

11:55AM **25** MR. STANLEY: UNDERSTOOD, JUDGE. AND ASKING FOR

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11:55AM **1** PERMISSION TO REQUEST THESE DOCUMENTS VERBALLY ALWAYS END IN A

11:55AM **2** NO, SO THAT'S PROBABLY GOING TO RESULT IN US COMING BACK TO YOU

11:55AM **3** OVER AND OVER IN SPECIFIC CASES OR AT LEAST IN SOME WAY TO

11:55AM **4** UNDERSTAND HOW WE CAN IDENTIFY DOCUMENTS TO ASSIST IN

11:55AM **5** PRODUCTION FROM THIS LITIGATION.

11:55AM **6** AND SO I'M ALSO WORRIED THAT IN THE NEXT TEN CASES THAT I

11:55AM **7** FILE AGAINST UBER, THAT FOR VARIOUS REASONS OF HARM TO

11:55AM **8** INDIVIDUALS, THAT I'M GOING TO NEED TO JAM YOUR DOCKET UP, COME

11:55AM **9** BACK AND REQUEST USE FROM THIS WHEN UBER DOES NOT PERMIT ME TO

11:55AM **10** REQUEST DOCUMENTS IN THIS MANNER. SO THAT'S ALSO A CONCERN

11:55AM **11** THAT I HAVE, AND ESPECIALLY WHEN IDENTIFYING THE DOCUMENTS WAS

11:55AM **12** HELPFUL TO THE PROCESS INSIDE OF THE MDL, DOCUMENTS THAT I HAD

11:56AM **13** KNOWLEDGE OF BEFORE THE MDL WHEN I DID IT THE SAME WAY THAT

11:56AM **14** THIS IS GOING TO BE SOMETHING THAT IS GOING TO BE RECURRING.

11:56AM **15** AND SO WHEN WE HAVE TO GO FORWARD ON WHAT WE SHOULD DO, THAT'S

11:56AM **16** SOMETHING THAT I JUST WANT YOU TO BE AWARE OF.

11:56AM **17** THE COURT: I MEAN, MAYBE YOU SHOULD BE ADJUSTING

11:56AM **18** YOUR EXPECTATIONS ABOUT WHAT YOU CAN DO WITH INFORMATION THAT

11:56AM **19** YOU HAVE LEARNED IN THE MDL.

11:56AM **20** THE FACT OF THE MATTER IS THAT THIS DISCOVERY PROCESS

11:56AM **21** INVOLVED UBER DISCLOSING AN IMMENSE AMOUNT OF INFORMATION IN

11:56AM **22** RESPONSE TO PLAINTIFFS' FAR REACHING DISCOVERY REQUESTS AND A

11:56AM **23** LOT OF INFORMATION THAT WAS CONFIDENTIAL OR PROPRIETARY OR

11:56AM **24** SENSITIVE TO THE COMPANY HAD COME INTO PLAY AS PART OF THE

11:56AM **25** DISCOVERY PROCESS, AND THE PURPOSE OF THE PROTECTIVE ORDER WAS

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11:57AM **1** TO GIVE THEM SOME CONFIDENCE AND ASSURANCE THAT THIS

11:57AM **2** INFORMATION WOULD NOT GET RELEASED FOR PURPOSES OTHER THAN --

11:57AM **3** OR USED FOR PURPOSES OTHER THAN ADVANCING THIS MDL.

11:57AM **4** DISCOVERY IN THIS MDL IS FOR THIS MDL, AND TO THE EXTENT

11:57AM **5** THAT IT CROSSES OVER IN WAYS THAT THE COURT HAS SANCTIONED FOR

11:57AM **6** THE JCCP, THERE'S THAT, BUT THERE IS A LARGER UNIVERSE OF

11:57AM **7** LITIGATION AGAINST UBER I'M SURE FOR ALL DIFFERENT TYPES OF

11:57AM **8** CASES, BUT THAT IS NOT WHAT THE PURPOSE OF THE PROTECTIVE ORDER

11:57AM **9** HERE WAS. IT WAS TO DEAL WITH DISCOVERY IN THIS CASE AND TO

11:57AM **10** SIMPLIFY THE PROCESS AND GIVE ASSURANCES TO PARTIES INVOLVED

11:57AM **11** THAT THEIR INFORMATION, THEIR CONFIDENTIAL INFORMATION OR

11:58AM **12** HIGHLY CONFIDENTIAL INFORMATION WOULD BE USED FOR OTHER

11:58AM **13** PURPOSES.

11:58AM **14** ATTORNEYS BECOME EXPERTS IN INDUSTRIES AND ON CERTAIN

11:58AM **15** COMPANIES AND THERE'S A GENERAL KNOWLEDGE THAT DEVELOPS, BUT

11:58AM **16** WHEN YOU SEE A REPRODUCTION LIKE WHAT MS. GROMADA LAID OUT, IT

11:58AM **17** SEEMS PRETTY STRAIGHTFORWARD THAT A DISCLOSURE OCCURRED.

11:58AM **18** SO THAT -- LET'S MOVE ON TO THE -- WHERE DO WE GO FROM

11:58AM **19** HERE AND WHAT IS THE ORDER?

11:58AM **20** IT DOESN'T SEEM -- TO ME IT SEEMS PRETTY STRAIGHTFORWARD

11:58AM **21** AS FAR AS WHAT UBER IS ASKING AS FAR AS YOU IDENTIFYING TO WHOM

11:58AM **22** YOU HAVE GIVEN THIS INFORMATION. I THINK ONE ASPECT THAT I WAS

11:58AM **23** A LITTLE UNCLEAR ABOUT, THOUGH, WAS WHAT EXACTLY IS THE

11:59AM **24** DEFINITION OF A CONFIDENTIAL AND THEN THERE'S -- YOU HAD

11:59AM **25** ANOTHER SPREADSHEET THAT CONTAINED 326 POLICY RELATED

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11:59AM **1** RESOURCES. AND THAT WAS NOT -- UBER DIDN'T ARGUE THAT THAT WAS

11:59AM **2** CONFIDENTIAL INFORMATION. SO ON THE OTHER HAND, YOUR LATER

11:59AM **3** SPREADSHEET FROM OCTOBER OF 2024 HAD 860 POLICIES OR POLICY

11:59AM **4** SOURCES. SO THERE'S A DELTA THERE, AND THAT SEEMS TO BE WHAT

11:59AM **5** IS OF CONCERN TO UBER IN THIS MOTION.

11:59AM **6** BUT I GOT CONFUSED BY SOME OF THE NUMBERS AND ALSO THE --

11:59AM **7** WHETHER OR NOT THERE IS A -- I DON'T THINK THAT THERE IS A

12:00PM **8** SUFFICIENTLY TAILORED AND CLEAR DEFINITION OF CONFIDENTIAL

12:00PM **9** INFORMATION SO THAT OTHER ATTORNEYS CAN SORT OF BE AWARE OF

12:00PM **10** WHAT CAN BE DISCLOSED GOING FORWARD.

12:00PM **11** SO I WAS INCLINED TO SEND YOU ALL TO MEET AND CONFER AND

12:00PM **12** DEAL WITH THE PROPOSED ORDER, AND SUBMIT A REVISED PROPOSED

12:00PM **13** ORDER THAT IS CLEARER.

12:00PM **14** MR. COX: YOUR HONOR, IF I COULD ADDRESS THAT, I'M

12:00PM **15** HAPPY TO MEET AND CONFER IF THAT'S WHAT YOU WOULD LIKE US TO

12:00PM **16** DO.

12:00PM **17** BUT THE CONFIDENTIAL INFORMATION IS DEFINED IN THE BRIEF

12:00PM **18** IN SUPPORT OF OUR MOTION, AND IT IS THE 587 ROWS ON

12:00PM **19** MR. STANLEY'S OCTOBER 2024 SPREADSHEET THAT ARE IDENTIFIABLE

12:00PM **20** WITH MDL BATES NUMBERS.

12:01PM **21** SO THAT'S HOW WE'RE DEFINING CONFIDENTIAL INFORMATION AS

12:01PM **22** USED IN THE PROPOSED ORDER, BUT I ACTUALLY -- IN DISCUSSIONS IN

12:01PM **23** PREPARING FOR THIS HEARING, I WANTED TO CLARIFY MY OWN

12:01PM **24** UNDERSTANDING OF THAT, SO I APPRECIATE YOUR HONOR ASKING THE

12:01PM **25** QUESTION. AND IF YOU WOULD LIKE US TO MEET AND CONFER AND

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12:01PM **1** SUBMIT A PROPOSED ORDER OR JUST SUBMIT A PROPOSED ORDER, A

12:01PM **2** REVISED PROPOSED ORDER, WE'RE HAPPY TO DO THAT.

12:01PM **3** I'M SORRY, I DON'T THINK WE CAN HEAR YOU AGAIN. I'M

12:01PM **4** SORRY.

12:01PM **5** THE COURT: AND THAT SEEMS OFF BECAUSE THE

12:01PM **6** SPREADSHEET HAD 860 AND THEN THAT WAS THE OCTOBER SPREADSHEET

12:01PM **7** HAD 860. THE MAY SPREADSHEET HAD 326. SO IF YOU SUBTRACT,

12:02PM **8** THEN THAT IS, THAT IS 534 POLICIES.

12:02PM **9** BUT THE BRIEFING REFERS TO 586. SO IT'S NOT CLEAR WHAT

12:02PM **10** THAT'S REFERRING TO.

12:02PM **11** MR. COX: SO ONE OF THE REASONS I WENT INTO LAW IS

12:02PM **12** BECAUSE OF MY MATH SKILLS. SO LET US CONFER ON THAT AND MAKE

12:02PM **13** SURE THAT WE HAVE THE NUMBERS CORRECT, BUT WE ARE, AS

12:02PM **14** YOUR HONOR OBSERVED IN CONNECTION WITH LOOKING AT MS. GROMADA'S

12:02PM **15** DECLARATION AND THE DOCUMENT, YOU KNOW, SOME OF THE UNDERLYING

12:02PM **16** MATERIALS THAT WERE PRODUCED IN THE MDL AS COMPARED TO THE

12:02PM **17** SPREADSHEET, WE ARE -- THE ASSERTION IS THAT IT'S, IT'S -- THE

12:03PM **18** BATES NUMBERED MATERIALS THAT ARE REFERENCED. SO WE CAN DEFINE

12:03PM **19** THAT MORE CLEARLY FOR YOUR HONOR.

12:03PM **20** THE COURT: OKAY. LET'S DO THIS. I'M DIRECTING THE

12:03PM **21** PARTIES TO FILE EITHER A JOINT PROPOSED -- A REVISED JOINT

12:03PM **22** PROPOSED ORDER WITHIN THREE DAYS OR IF YOU DON'T HAVE AN

12:03PM **23** AGREEMENT AS TO WHAT THAT PROPOSED ORDER SHOULD LOOK LIKE, FILE

12:03PM **24** YOUR SEPARATE PROPOSED ORDERS. AND PLAINTIFFS, BY FILING THE

12:03PM **25** PROPOSED ORDERS WITHIN THREE DAYS, YOU'RE NOT WAIVING YOUR

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12:03PM **1** OBJECTIONS TO MY RULING FROM THE BENCH TODAY THAT THERE WAS A  
12:03PM **2** VIOLATION OF THE PROTECTIVE ORDER IN THIS CASE AND BASED ON THE  
12:03PM **3** RECORD THAT I'VE REVIEWED AND FOR THE REASONS THAT I'VE  
12:03PM **4** EXPLAINED TODAY.  
12:03PM **5** AND IT'S NOT WAIVING YOUR RIGHT TO APPEAL THAT ORDER IF  
12:04PM **6** YOU DISAGREE AND WISH TO APPEAL IT TO JUDGE BREYER.  
12:04PM **7** MR. STANLEY: UNDERSTOOD.  
12:04PM **8** THE COURT: OKAY. ALL RIGHT.  
12:04PM **9** SO I DON'T THINK THERE'S ANYTHING FURTHER THAT WE NEED TO  
12:04PM **10** DO TODAY.  
12:04PM **11** MS. GROMADA: THANK YOU, YOUR HONOR.  
12:04PM **12** MR. COHN: THANK YOU, YOUR HONOR.  
12:04PM **13** MR. STANLEY: THANK YOU.  
12:04PM **14** MR. COX: THANK YOU.  
12:04PM **15** THE CLERK: COURT IS NOW ADJOURNED.  
12:04PM **16** (COURT CONCLUDED AT 12:04 P.M.)  
**17**  
**18**  
**19**  
**20**  
**21**  
**22**  
**23**  
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